

**DEPARTMENT OF FOOD AND AGRICULTURE
ANIMAL HEALTH BRANCH**

PROPOSED REGULATIONS

INTERSTATE MOVEMENT OF POULTRY

The Department of Food and Agriculture, Animal Health Branch, proposes the following changes to Chapter 2, Division 2, of Title 3 of the California Code of Regulations:

1) Repeal sections 800, 800.1, 801 and 802 of Article 11, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Article 11. Emergency Control and Eradication of Animal Diseases

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~~Section 800. Asiatic Newcastle Disease.~~

~~The Director in concurrence with the United States Secretary of Agriculture finds that a velogenic viscerotropic strain of Asiatic Newcastle, an exotic highly fatal disease of poultry, exists in California and is detrimental to the poultry industry and other avian species.~~

~~In quarantined areas:~~

~~(a) Restrictions. All avian species shall be closely confined upon the premises in such manner as may be required by the Department. Diagnostic tests, including the maintenance of sentinel birds, may be required to determine the disease status of a flock.~~

~~(b) Vaccination. Upon notification to the owner or person in possession of poultry or other avian species, the Director may require vaccination or revaccination with such vaccine as he determines necessary or advisable.~~

~~(c) Movement. No birds or products of birds, including equipment, containers and vehicles that come in contact with birds or bird products, may move within or out of the quarantine area except under permit. Inspection by a State or Federal inspector may be required before a permit is issued.~~

~~(d) Destruction. The Director may require any bird in the quarantine area infected with, exposed to, or liable to have been exposed to Asiatic Newcastle to be destroyed and the carcasses disposed of under the supervision of a State or Federal inspector.~~

~~(e) Cleaning and Disinfection. When birds are destroyed, as provided by this section, the Director may require the premises to be cleaned and disinfected in a manner~~

~~satisfactory to the Director and the premises thereafter tested for freedom from disease before other birds are permitted upon the premises, as designated by the Director.~~

~~Section 800.1. Asiatic Newcastle Disease Quarantine Area.~~

~~Premises in California where birds or poultry are kept which are infected with, or have been exposed to, Asiatic Newcastle Disease are declared quarantine areas. A list of such premises is maintained by the California Department of Food and Agriculture.~~

~~NOTE: Authority cited: Sections 407 and 9561, Food and Agricultural Code. Reference: Sections 9561-9569, Food and Agricultural Code.~~

~~Section 801. Duck Virus Enteritis.~~

~~The Director of Food and Agriculture has been notified by the Animal and Plant Health Inspection Services Division of the United States Department of Agriculture that a severe exotic disease of waterfowl, known as Duck Virus Enteritis, exists in several states outside of California. Therefore, no domestic waterfowl shall be transported into California unless accompanied by a permit obtained from the Bureau of Animal Health, California Department of Food and Agriculture. The permit will require an official health certificate accompany the shipment indicating the flock(s) of origin has been inspected, show no symptoms of disease, and has not been exposed to Duck Virus Enteritis. The permit may also specify other conditions that the Director feels necessary.~~

~~(a) Domestic waterfowl for purposes of this section shall include ducks, geese, swan, and other waterfowl of all ages in captivity.~~

~~(b) Requests for permits shall include information on number and type of waterfowl to be moved, origin of shipment and destination within California.~~

~~(c) Domestic waterfowl transported for immediate slaughter directly to a processing establishment are exempt from obtaining a permit.~~

~~Section 802. Avian Influenza Interstate Movement.~~

~~Avian influenza caused by avian influenza virus, serotype H5, is a serious transmissible disease of poultry and other avian species. The disease has been confirmed in Maryland, New Jersey, Pennsylvania, and Virginia.~~

~~The importation of all hatching eggs, poultry, and other avian species from any area where avian influenza serotype H5 is occurring as reported by the United States Department of Agriculture or State Animal Health officials is prohibited except by permit as prescribed below. Companion birds are not subject to the permit requirements of this section. However, if the Director determines such birds from an area have or may become a source of infection, he may extend the provision of this section to such birds.~~

~~Avian species and hatching eggs from an area where the disease is occurring may be imported only under permit, which may require certifying the flock of origin of hatching eggs, flock of origin of poultry or other avian species has been inspected, show no symptoms of disease, and are not known to have been exposed to avian influenza serotype H5.~~

~~The permit may specify additional conditions determined necessary for importation in particular circumstances so as to protect against introduction of the disease into California.~~

~~The Director may also deny permission for entry when the disease circumstances in the area of origin of avian species or hatching eggs represent a threat of disease introduction, notwithstanding permit provisions of this section.~~

~~NOTE: Authority cited: Sections 407 and 9570, Food and Agricultural Code. Reference: Section 9570, Food and Agricultural Code.~~

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2) Adopt Article 13 and sections 821, 821.1, 821.2, 821.3, 821.4 and 821.5 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Article 13. Interstate Movement of Poultry

Section 821. Definitions.

(a) As used in this article:

(1) "Animal" means any animal, livestock, or domestic animal including poultry and fish, which is kept, maintained, held, or raised in captivity.

(2) "Department" means the Department of Food and Agriculture.

(3) "Poultry" means all chickens, turkeys, turkins, pheasants, Peafowl, guinea fowl, quail, ducks, geese, swans, gallinules, doves, pigeons, grouse, partridges, francolin,

cassowary) and hatching or embryonated eggs as such.

(4) "Treatment" means to test, clean, decontaminate, disinfect, dip, medicate, vaccinate, or destroy a population of animals, animal product, and/or premises, equipment, and other materials that may have been contaminated by the condition affecting the population of animals, or animal product.

(5) "USDA" means the United States Department of Agriculture.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

Section 821.1. General Requirements.

(a) Certain conditions of avian species and poultry must be reported to the Department or the United States Department of Agriculture, within specified timeframes, pursuant to section 9101 of the Food and Agricultural Code and section 797 of Title 3 of the California Code of Regulations. The List of Reportable Conditions for Animals and Animal Products may be obtained by contacting the Department, or by accessing the Department's Internet web site at <http://www.cdffa.ca.gov>.

(b) The provisions of this article are in addition to other provisions that may be required for moving poultry into and within California as specified in statute or regulation.

(c) Any person transporting poultry into or within California shall produce official documents, including but not limited to, a Certificate of Veterinary Inspection with the Interstate Livestock Entry Permit number as required, with attachments, for each load or part of a shipment upon request by the Department or other official to prove that the requirements of this article are met. Poultry in any load or part of a shipment may be inspected en route or after arrival.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

Section 821.2. Certificate of Veterinary Inspection.

(a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin. Electronic

Certificates of Veterinary Inspection are accepted by the Department when obtained from a vendor recognized by the Department.

(b) A Certificate of Veterinary Inspection shall include all of the following:

(1) Date of inspection;

(2) Number of animals in the consignment;

(3) Description of the animals including the species, breed, age, weight, color, markings, and sex, and the official identification number(s) or registration tattoos;

(4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;

(5) Interstate livestock entry permit number, when required;

(6) Statement of the purpose for which the animals are being moved;

(7) Statement that the imports and flock of origin are free of evidence of contagious diseases;

(8) Signed by the accredited veterinarian who examined the animals in the shipment and acknowledging that the certificate is true and accurate;

(c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A-107, Sacramento, California 95814. Copies of electronic Certificates of Veterinary Inspection are automatically forwarded to the Department by vendors approved to provide electronic Certificates of Veterinary Inspection.

(d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.

(e) As an alternative to official identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and the USDA.

(f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.

(g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.

(h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

Section 821.3. Interstate Livestock Entry Permits.

(a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.

(b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.

(c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.

(d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.

(e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.

(f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:

- (1) Name, address, and telephone number of the shipper or importer;
- (2) Origin of the shipment;
- (3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.
- (4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;

(5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;

(6) Certificate of Veterinary Inspection number, if available;

(7) Name of the flock veterinarian, if available; and

(8) Must meet the entry requirements for the type of animals entering California.

(g) An Interstate Livestock Entry Permit may be required for the entire shipment of animals, which may consist of one or more loads.

(h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.

(i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.

(j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

Section 821.4. Requirements for Entry of Poultry.

(a) All poultry imported into California require a Certificate of Veterinary Inspection, except:

(1) Poultry originating from flocks rated or classified as Pullorum-Typhoid Clean or Free either by their state of origin or the National Poultry Improvement Plan, the Auxiliary Provisions on the National Poultry Improvement Plan, and accompanied by VS Form 9-3 (Report of Sales of Hatching Eggs, Chicks, and Poults) in accordance with 9 CFR Part 145 et seq., Part 146 et seq., and Part 147 et seq., (2007), which are incorporated by reference, or other National Poultry Improvement Plan forms (if any) as provided by the USDA.

(b) Pursuant to Food and Agricultural Code sections 9562 and 9570, the State Veterinarian may require additional quarantine, Interstate Livestock Entry Permit, Certificate of Veterinary Inspection, or treatment on imported poultry or poultry products because of a condition in another state, even though the animals are exempt under this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code; 9 CFR Parts 145, 146 and 147 (2007).

Section 821.5. Violations.

- (a) Failure to comply with any part of this article constitutes a violation.
- (b) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:
 - (1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;
 - (2) Civil or administrative penalties;
 - (3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,
 - (4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570 and 9574, Food and Agricultural Code.

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